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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 JOHN LITTLE,

11 Plaintiff,

12 v.

13 D. RABELOS, et al.,

14 Defendants.
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Case No. +08-cv-0595-MJP-JPD

REPORT AND RECOMMENDATION

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17 Plaintiff John Little is proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983
18 civil rights action against two officers of the Everett Police Department. Dkt. No. 6. At the
19 time he filed his complaint, Plaintiff was incarcerated in the Snohomish County Jail in Everett,
20 Washington. Plaintiff's complaint centers on his allegation that he was subjected to excessive
21 force when he was arrested by the defendants on January 30, 2008. *Id.* Plaintiff identified
22 officers D. Rabelos and M. Atwood as the defendants. *Id.*

23 On October 14, 2008, Defendants filed a motion to dismiss. Dkt. No. 16. On
24 November 5, 2008, Defendants filed a motion for summary judgment. Dkt. No. 20. Plaintiff
25 never responded to either motion. On December 2, 2008, Plaintiff filed a motion for extension
26 of time to prosecute and reinstate discovery proceedings, Dkt. No. 30, which was denied by

1 this Court, Dkt. No. 35. On January 21, 2009, the copy of the Court's order denying Plaintiff's
2 motion for extension of time to prosecute and reinstate discovery proceedings, which was
3 mailed to Plaintiff at the Snohomish County Jail, was returned as undeliverable. Dkt. No. 36.
4 In addition, on February 11, 2009, the copy of the Court's order granting Defendants' motion
5 to continue the deadline to file a joint pretrial statement, which was mailed to Plaintiff at the
6 Snohomish County Jail, was also returned as undeliverable. Dkt. No. 40. To date, Plaintiff has
7 not provided the court with a new address, nor has he responded to Defendants' motion to
8 dismiss and motion for summary judgment.

9 Because over sixty days have elapsed since mail directed to Plaintiff at his address of
10 record was first returned to the court by the Post Office as undeliverable, and because Plaintiff
11 has not notified the Court of his current address, this action is DISMISSED without prejudice
12 for failure to prosecute pursuant to Local Rule CR 41(b)(2). A proposed order accompanies
13 this Report and Recommendation.

14 DATED this 30th day of March, 2009.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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